THE CONSTITUTION (EIGHTY-FIFTH AMENDMENT) BILL, 1994

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): Madam, I beg to move for leave to introduce a Bill further to amend the Constitution of India. (*Interruptions*).

SHRI CHIMANBHAI MEHTA (GUJARAT): Madam, according to the rules the copy of the Bill is circulated two days in advance. I would like to....(*Interruptions*).

THE DEPUTY CHAIRMAN: Please...(Interruptions).

SHRI CHIMANBHAI MEHTA: Madam, I am on a point of order.(*Interruptions*).

SHRI V. GOPALSAMY (Tamil Nadu): Madam, I am on a point of order. Shri Chimanbhai Mehta should speak from his own seat. (*Interruptions*).

THE DEPUTY CHAIRMAN: Will you please sit down? (Interruptions). If any Member is raising a point, I think, it is in my own right to reply to him. There is no need for anybody else to get agitated. Many times the Members have raised points of order about these things. (Interruptions). Mr. Swaminathan, please sit down. There is nothing to get agitated. It is a very simple matter. Let me explain it to the hon. Member. Will you please sit down? (*Interruptions*).

SHRI G. SWAMINATHAN: Madam, everybody accepted in the meeting that there would be no discussion. It was discussed in the meeting. Everybody accepted it. (*Interruptions*).

THE DEPUTY CHAIRMAN: Just a minute. Mr. Mehta, you know that in this House a lot of concern was raised by many Members belonging to various political parties from various States on the issue of Tamil Nadu. It is only limited to Tamil Nadu. The sentiments are very much there. You were in the House. For this purpose there was a meeting. The Chairman waived all the rules and permitted it because the House is going to be adjourned on Friday. So, he has allowed that this Bill should be introduced today and it should be passed today. So, the Bill is being circulated today. I hope, you will be kind enough to withdraw you objection looking at the situation.

SHRI CHIMANBHAI MEHTA: Madam, you can advise me... (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Mehta, you can raise your objection. You can put your objection on record. But, considering the seriousness of the situation, I am saying this.

SHRI CHIMAN BHAI MEHTA: Madam, rule 67... (*Interruptions*)....

THE DEPUTY CHAIRMAN: Mr. Mehta, I have already told you that the Chairman, in his right and wisdom, has waived this rule. So, please abide by my ruling.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Madam, this is...(*Interruption*)...

THE DEPUTY CHAIRMAN: Mr. Virumbi, I have not permitted you. Please have patience. I feel that nobody is objecting to the Bill. So, please don't get agitated and make it appear that somebody is objecting to it. Please...(*Interruption*)...Let me finish. It is very unfortunate that you don't allow a Member of this House to speak...(*Interruption*)...Mr. Mehata, you can speak now.

SHRI CHIMANBHAI MEHTA: Madam, you don't want even to hear some sort of a modest representation. The Bill is being submitted in very hurried manner. There is also a certain procedure. Well, I have to abide by that. But the question is, I am opposing the Bill and I have sent a note on that. Would you allow me to speak or not? This my question.

THE DEPUTY CHAIRMAN: Just one minute. I will give my ruling. You please sit down.

SHRI CHIMANBHAI MEHTA: I don't have the Bill. Otherwise, I would have spoken. You have brought the Bill just now. You want to consider the Bill and you want also to pass the Bill. Everything in ten minutes' time.

THE DEPUTY CHAIRMAN: Mr. Mehta, please don't make...(*Interruption*)...On this important Bill, on a matter of sentiments...(*Interruption*)...

SHRI CHIMANBHAI MEHTA: You are curtailing the fundamental rights. Tamil Nadu is a part of India. Had it been a separate independent State, I could have understood.

How can you have a Bill which goes against the basic premise of the Constitution? The framers of the Constitution have said that reservation has to be given to minorities, that is ministry quantum you cannot give up to 69% ...(*Interruption*)...

THE DEPUTY CHAIRMAN: May I bring it to your notice? One second... (*Interruption*)... One minute please. Let me he heard ...(*Interruption*)...Please. Mr. Mehta, you have a right to speak on any Bill which comes before this House. Nobody is trying to take away your right from speaking on any Bill. I am only asking you to speak at an appropriate time. I have allowed the Minister to introduce the Bill and I am also going to ask him to request for passing the Bill. If you want to speak, you will be allowed to speak. There is no objection. You will be allowed to speak but not at this time. I would request you ...(*Interruption*)...Mr. Jogi, I can understand your concern. I am handling the situation. If you can handle the situation, you better come here and do this.

SHRI CHIMANBHAI MEHTA: Madam, what I am saying is that it is outside the legislative competence of this House. I have to raise this objection now itself...(*Interruption*)...It is outside the legislative competence of this House.

THE DEPUTY CHAIRMAN: Never mind.

SHRI CHIMANBHAI MEHTA: Therefore, kindly allow me to...(*Interruption*)...

THE DEPUTY CHAIRMAN: If you are proposing to oppose the introduction of the Bill, I have no objection. As a Member of this House, you have a right to oppose.

Now, the question is:

"That leave to granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI SITARAM KESRI: Madam, I introduce the Bill.

THE DEPUTY CHAIRMAN: Now the Bill is introduced...(*Interruption*)...You have not opposed the introduction of the Bill.

श्री शंकर दयाल सिंह (बिहार): उपसभापति महोदय, इसके पहले कि इस बिल पर चर्चा हो, मैं आपका ध्यान दिलाना चाहता हूं कि आज लीडर आफ दी अपोज़ीशन श्री सिकन्दर बख्त साहब का जन्म दिन है। इसलिए हमारा यह कर्त्तव्य बनाता है कि उनको आपकी ओर से मुबारकवाद दी जाए।

सभा के नेता (श्री एस. बी. चव्हाण): आप हमारी तरफ से मुबारक बाद कबूल कीजिये।

THE DEPUTY CHAIRMAN: I wish you all the best. I wish you remained in the seat next to me in the coming year...(*Interruption*)...

श्री प्रमोद महाजन: आपने साथ परमानेटली बैठने का जो आपने आशीर्वाद दिया है, यह अच्छा आर्शीवाद नहीं है।...(व्यवधान)...

THE DEPUTY CHAIRMAN: I canot say that I don't want him to sit next to me.

SHRI PRAMOD MAHAJAN: He can sit opposite to you.

THE CONSTITUTION (EIGHTY-FIFTH) AMENDMENT BILL, 1994

उपसभापति: तो सीताराम केसरी जी बोलिए, टु मूव...(व्यवधान)...अभी इंट्रोडक्शन हो गया है। अब उनको कंसीडरेशन के लिए तो खड़े होने दीजिए...(व्यवधान)...

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): Madam, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

उपसभापति: बोलिए, केसरी जी...(व्यवधान)

SHRI SATISH PRADHAN (Mahrashtra): Madam, where is the Bill?

उपसभापति: बिल की कापीज दी हैं...(व्यवधान)

SHRI G. SWAMINATHAN (Tamil Nadu): The Bill has been sent ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Mr Swaminathan, please...(*Interruptions*)...Mr. Swaminathan, please sit down. I don't want this kind of unruly behaviour in the House. If one Member didn't receive the copy of the Bill, we will provide it to him...(*Interruptions*)...Okay, it is sent to you, not to him. All right. Why do you object to it? Let him get it. What is the